

State of Connecticut Siting Council

IN RE:

APPLICATION OF HOMELAND TOWERS, LLC AND
NEW CINGULAR WIRELESS PSC, LLC d/b/a AT&T FOR A
CERTIFICATE OF ENVIRONMENTAL

DOCKET NO.488

COMPATIBILITY

AND PUBLIC NEED FOR THE CONSTRUCTION
MAINTENANCE, AND OPERATION OF A
TELECOMMUNICATIONS FACILITY AT ONE OF TWO

July 16, 2020

SITES IN THE TOWN OF KENT, CONNECTICUT

TESTIMONY OF PETER FITZPATRICK

Peter Fitzpatrick, Bald Hill Road Neighbor and owner of 15 Bald Hill Road, hereby testifies as follows:

1. Are you over the age of 18 and do you understand that your testimony to the Siting Council must be truthful?

Answer: Yes as to both.

2. What is your involvement in this Siting Council matter?

Answer: I own 15 Bald Hill Road, a property that abuts the Site A property. The house on the property is close to the proposed cell tower compound. I currently reside elsewhere in Connecticut, but I was planning to move to the house at 15 Bald Hill Road once I had finished with renovating. I am a builder by trade and have been doing my own work to improve the property.

3. When and how did you purchase the property at 15 Bald Hill Road?

Answer: I purchased 15 Bald Hill Road at a foreclosure sale on 3/8, 2019.

4. When you purchased 15 bald hill road, were you aware of any potential cell tower on what was to become known as "Site A"?

I was aware of the potential cell tower site, but I was informed by a member of the Town land use staff that Lot A was way too small and that the Site A lot was not suitable for a cell tower because Town zoning requires three acres and that this staff member did not believe a cell tower would ever be erected on such a small lot. In addition, as a builder by trade, a 154 ft cell tower in a small rural neighborhood of seven houses on a dead-end street was totally inconceivable to me as a possible site for such a tower.

5. Did you rely on the information provided to you by town officials?

Answer: Yes, I did. It made sense, given what I knew about the neighborhood and given my general sense as a builder. I also relied on the notion that the Zoning Regulations of Kent were sensible and would be an impediment to this sort of development. It was a surprising and disheartening to learn that the Applicants were going to try to shoehorn a cell tower and equipment facility onto a lot of less than two acres.

6. What are your current plans for your property at 15 Bald Hill Road?

Answer: I consider the tower facility to be a "deal breaker" as to 15 Bald Hill Road. I will not expose my family to a 154ft cell tower within 60 feet of my property line and a support structure within 25 feet of my property line. If this facility is approved, upon finishing up my renovation of the house, I intend to put the house on the market and sell it. The rural, natural environment in the Bald Hill area appealed to me, and the former Atwood house on 15 Bald Hill Road looked like it would make a good home for my family and I after renovation. If built, the proposed facility would scrap these plans. It's too close to my house.

7. Is there anything that the Applicants could do to alter their plan that would change your plans to sell if the facility is built on Site A?

Answer: No, apparently AT&T deliberately decided to place the tower almost directly on what

would eventually become my property line because the previous owner of both my property and the Site A property, John Atwood, did not object to having a tower so close to his home. After all, Atwood was the one who initially leased the Site A property to the tower company. But Mr. Atwood is deceased now, and as the owner of 15 Bald Hill Road, I vehemently object to the proposed project on Site A. There is no other place to move the tower on such a small lot such as Lot A without my neighbors having the same concerns.

8. What exactly are your concerns about the proposed cell tower and related facilities on Site A?

Answer: The tower and related compound are not suitable for a 1.99-acre lot in the middle of a rural environment. Bald Hill road is a narrow rural road, in which two cars cannot pass each other. Attached are photographs of the neighborhood and Bald Hill Road which show that this proposed tower and facility are inappropriate for the area.

How AT&T can access Site A with heavy equipment, build an access driveway half way up Site A and not damage Bald Hill Road is a serious concern? The balloon tests demonstrate that the tower towers above my tree line exposing the neighboring areas to this huge structure sticking above the trees.

In addition, there are numerous debris and possible contamination sites all over Site A that I believe the previous owner, John Atwood, deposited over many years. I was not aware of them until after I purchased my property in a foreclosure sale, as Lot A was a separate lot not subject to any disclosure by the foreclosure Committee. There are barrels with potential industrial lubricants that may have contaminated the soil, as well as burial pits of unknown debris. These areas are visible from my property, particularly when the leaves are off in the fall and winter. As a home builder, I am familiar with some of these chemicals and their potential danger.

9. What are your concerns about the debris you describe on the Site A property?

Answer: From my property, I can see areas where debris has apparently been buried, I can see metal barrels, and I can see other evidence of debris on the ground. My belief is that John Atwood was using what would become the Site A property as his own junkyard. I was unaware of the extent of all of this until after I purchased my property. I do not know for sure what is in the ground, but if the property owner plans on disturbing 18% of Lot A, I also would be concerned about possible water contamination. Like the other houses in the area, I draw my water from a well.

10. Has any representative or agent of the Applicants ever approached you about debris on the Site A property; have you ever seen anyone on the Site A property inspecting or testing?

Although I am not at 15 Bald Hill Road all the time, no representative of the applicants ever approached me to ask about the debris on the Site A property. I've never observed anyone doing an inspection or testing on the property. I was surprised to find out that any environmental review had been done of the Site A property. Frankly, given what appears to be a junkyard on the Site A lot, I think the applicants/owner should be required to have an expert inspect and test whatever is on their property before they start digging.

11. Is there anything else you wish to tell the Siting Council?

I invite the Siting Council to view the Site A property and to look around on Bald Hill Road. A visit will show that this area is just not appropriate for the proposed tower facility.



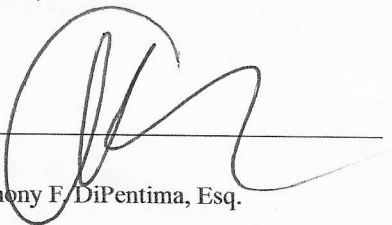
Peter Fitzpatrick

7/16/20

Date

This testimony is hereby respectfully Submitted through counsel for the Bald Hill Road Neighbors,

By

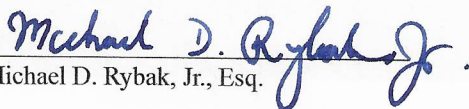


Anthony F. DiPentima, Esq.

7/16/20

Date

By



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CERTIFICATE OF SERVICE

I hereby certify that a true, original copy, of the foregoing were placed in the U.S. Mail on this 16th day of July 2020 and addressed to:

Ms. Melanie Bachman
Executive Director
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

I further certify that an electronic copy of the foregoing was sent to:

siting.council@ct.gov

And I certify that electronic copies of the foregoing were sent to:

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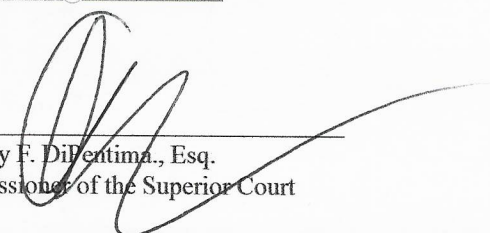
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